

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: \_\_\_\_\_**

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Kristine Sulzbach,

Plaintiff,

v.

**COMPLAINT**

**WITH JURY TRIAL DEMAND**

American Accounts & Advisers, Inc.,

Defendant.

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**PRELIMINARY STATEMENT**

1. Plaintiff brings this action for damages against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”).

**JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

**PARTIES**

3. Plaintiff Kristine Sulzbach (hereinafter “Plaintiff”) is a natural person who resides in the City of Edina, County of Hennepin, State of Minnesota. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant American Accounts & Advisers, Inc. (hereinafter “Defendant”) is a domestic corporation incorporated under the laws of the state of Minnesota and regularly engages in debt collection with a principal place of business at 7460 80th

St., Cottage Grove, MN 55016 and has a registered address of 3904 Cedarvale Drive, Eagan, MN 55122 . Defendant is a “debt collector” as defined at 15 U.S.C. § 1692a(6).

### **FACTUAL ALLEGATIONS**

5. Sometime prior to March 2011, Plaintiff incurred a “consumer debt” as that term is defined at 15 U.S.C. § 1692a(5), for medical bills.
6. Thereafter, the debt was transferred, sold, or assigned to Defendant for collection in or about January 2011.
7. On or about January 20, 2011, Defendant’s agent “Sara” telephoned Plaintiff and told Plaintiff that if the account was not paid that it was “supposed to go over to the attorneys,” and that from there the attorney’s will “garnish wages” and “tack on fees,” in violation of 15 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(10) and 1692f.
8. During the January 20, 2011 telephone call, Defendant’s agent failed to disclose that Defendant was a debt collector and the purpose of the communication as an attempt to collect a debt, in violation of 15 U.S.C. §§ 1692d, 1692d(6) and 1692e(11).
9. Defendant’s statements and false threats caused Plaintiff fear, anxiety and emotional distress.

10. As a result of the above violations of the FDCPA, Defendant is liable to Plaintiffs for her statutory damages, actual damages and costs and attorney's fees, pursuant to 15 U.S.C. § 1692k.

**TRIAL BY JURY**

11. Plaintiff is entitled to and hereby requests a trial by jury. US Const. Amend. 7. Fed. R. Civ. P. 38.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT -  
15 U.S.C. § 1692 ET SEQ.**

12. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully stated herein.

13. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

14. As a result of Defendant's violations of the FDCPA, Plaintiff is entitled statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**PRAAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that relief be granted as follows:

- That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) & (B);

- That the Court award costs and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- That the Court grant such other and further relief as may be just and proper.

Dated this 26th day of March, 2011.

By: s/Trista M. Roy \_\_\_\_\_

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**VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF**

STATE OF MINNESOTA )  
                        ) ss  
COUNTY OF HENNEPIN )

I, Kristine Sulzbach, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Kristine Sulzbach

Kristine Sulzbach

Subscribed and sworn to before me

This 15 day of March, 2011.

s/D'Angelo D. Navy

Notary Public